



STAFFORD COUNTY PUBLIC SCHOOLS

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Stafford, Virginia 22554-7246
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LISA FOEMAN BOATWRIGHT, ESQ.
Division Counsel

Office of Division Counsel

Thank you for your recent request regarding home instruction. The enclosed packet contains:

- the Notice of Intent to Provide Home instruction;
- Stafford County School Board [Policy 2110](#) and [Regulation 2110-R](#), Home Instruction;
- Stafford County School Board [Policy 2112](#), Admission of Nonpublic Students for Part-Time Enrollment; and,
- [Va. Code Section 22.1-254.1](#) Declaration of policy; requirements for home instruction of children.

If you intend to provide home instruction to your child(ren) for the current school year, please complete the form entitled Notice of Intent to Provide Home Instruction, indicate the option under which you wished to be recognized, and provide the requested material along with a list of subjects to be studied for the coming school year for each child.

Please note, as prescribed in Va. Code Section 22.1-254.1 of the Code of Virginia:

- You are required to provide evidence of educational achievement **by August 1st** each school year.
- AND
- The Notice of Intent to Provide Home Instruction (with supporting documentation) is a YEARLY submission requirement (**no later than August 15th each school year**).

If you have any further questions please feel free to call this office.

Sincerely,

Lisa Foeman Boatwright, Esq.
Designee of the Superintendent, Home Instruction

/caw
Enclosures

REMINDERS/CHECKLIST FOR SUBMISSION:

- Did you attach the supporting documentation (i.e. copy of diploma, proof of enrollment in an on-line program, or a statement, etc.)?
- Is the list of classes attached?
- Submit only **ONE** copy of your home school documents each school year (see letterhead for the address or you may email to homeinstruction@staffordschools.net). Multiple submissions slow down processing time.
- **IMPORTANT! Please notify this office if for any reason you choose to discontinue home instruction.**

Revised: December 2024

NOTICE OF INTENT TO PROVIDE HOME INSTRUCTION
(A new form is required each year no later than August 15)

I am providing notice of my intention to provide home instruction for the child(ren) listed below as provided by § 22.1-254.1 of the Code of Virginia, in lieu of having them attend school for the school year 20____ - 20____.

Name (s) of Child (ren)

Date of Birth

Grade Levels

I wish to be recognized as eligible to provide home instruction by selecting the option indicated below.
(Check one below.)

I have a high school diploma or a higher credential.

(Attach a copy of the documentation that shows this **AND** a list of the subjects to be studied.)

I have the qualifications prescribed by the Board of Education for a teacher. (Attach a copy of a teaching license or a statement to this effect from the Virginia Department of Education **AND** a list of the subjects to be studied.)

I have provided a program of study or curriculum which is to be delivered through a correspondence course or a distance learning program or in some other manner. (Attach a notice of acceptance or other evidence of enrollment showing the name and address of the school and a list of subjects to be studied for the coming school year if the child is enrolled in a correspondence course or distance learning program. If you choose to provide a program of study or curriculum in some other manner as specified in the Code, a list of the subjects to be studied for the coming school year must be submitted to the school division.)

I have attached to this notice a statement which describes why I am able to provide an adequate education for my child(ren). (Attach a list of the subjects to be studied.)

****As prescribed in § 22.1-254.1 of the Code of Virginia, I have included or will provide the school division with a description of the curriculum, limited to a list of subjects to be studied during the coming school year, and evidence of having met one of the above criteria along with this Notice by August 15 of each year.**** If I begin home instruction after the school year has started, I will submit this Notice as soon as practicable and comply with the other requirements within 30 days of this Notice to the school division.

I understand that by August 1 following this school year, I must provide evidence of educational achievement as prescribed in § 22.1-254.1 of the Code of Virginia, which defines the requirements for home instruction.

I hereby certify that I am the parent or guardian of the child(ren) listed above.

Print or type name and address:

Sign: _____

Parent or Guardian

Date: _____

EMAIL: _____

Phone #: _____

Please return to: Stafford County Public Schools
Office of Division Counsel
31 Stafford Avenue
Stafford, Virginia 22554

HOME INSTRUCTION

PURPOSE: To identify the legal requirements for home instruction

Definition

For purposes of this policy, "parent" means any parent, guardian, legal custodian or other person having control or charge of a child as set forth in Va. Code §22.1-254.1.

Generally

Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the 18th birthday may elect to provide home instruction in lieu of school attendance as provided by state law if the parent:

- holds a high school diploma; or
- is a teacher of qualifications prescribed by the Board of Education; or
- provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or
- provides evidence that the parent is able to provide an adequate education for the child.

Any parent who elects to provide home instruction shall annually notify the superintendent/designee no later than August 15 of the intention to instruct the child and provide a description of the curriculum, limited to a list of subjects to be followed for the coming year, and evidence of having met one of the criteria for providing home instruction. Any parent who moves into the division or begins home instruction after the school year has begun shall notify the superintendent/designee of the intention to provide home instruction as soon as practicable and shall comply with the requirements of Va. Code §22.1-254.1 within 30 days of such notice.

Evidence of Progress

The parent is required to provide to the superintendent or designee by August 1, following the school year in which the child has received home instruction, evidence of the child's progress in one of the following ways:

- Evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test or an equivalent score on the ACT, SAT, or PSAT test; or
- An evaluation or assessment which the superintendent or designee determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: an evaluation letter from a person licensed to teach in any state, or a person with a Master's degree or higher in an academic discipline having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or, a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

The school division does not award a home instruction diploma or certificate.

Consequence of Parent Not Providing Evidence of Progress

In the event that evidence of progress is not provided by the parent, the home instruction program for that child may be placed on probation for one year. The parent shall file with the superintendent or designee evidence of their ability to provide an adequate education for their child and a remediation plan for the probationary year which indicates the program is designed to address any educational deficiency. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with the state compulsory attendance law.

HOME INSTRUCTION

Immunization

Any parent or other person having control or charge of a child being home instructed, exempted or excused from school attendance shall comply with the immunization requirements provided in Va. Code § 32.1-46 in the same manner and to the same extent as if the child has been enrolled in and is attending school.

Upon request by the superintendent or designee, the parent shall submit to the superintendent documentary proof of immunization in compliance with Va. Code § 32.1-46.

No proof of immunization shall be required of any child upon submission of (i) an affidavit to the superintendent stating that the administration of immunizing agents conflicts with the parent's religious tenets or practices or (ii) a written certification from a licensed physician, physician assistant, nurse practitioner, or local health department that one or more of the required immunizations may be detrimental to the child's health, indicating the specific nature of the medical condition or circumstance that contraindicates immunization.

Notification to Parents

Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT) and PreACT examinations are available to students receiving home instruction pursuant to Va. Code § 22.1-254.1. The superintendent or designee establishes a schedule identifying the dates by which students receiving home instruction must register to participate in such examinations. The superintendent or designee notifies students receiving home instruction and their parents of how to obtain information on registration deadlines and the availability of financial assistance to low-income and needy students to take such examinations.

Exemptions

Nothing in this policy shall prohibit a child and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to Va. Code §22.1-254(B)(1) or having the child taught by a tutor or teacher of qualifications prescribed by the Virginia Board of Education and approved by the division superintendent.

Appeals

Any party aggrieved by a decision of the superintendent/designee as to the preceding matters may appeal the decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court of Virginia for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with the findings.

Disclosure of Information

Neither the superintendent or designee nor the school board shall disclose to the Virginia Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this policy or subdivision B 1 of Va. Code § 22.1-254. However, the superintendent or designee shall notify - as required - the Virginia Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

06/24/08 Adopted
08/28/12 Amended
12/12/13 Readopted
05/22/18 Amended
11/14/23 Amended

Legal Refs.: Code of Virginia, 1950, as amended, §§ 22.1-1, 22.1-254; 22.1-254.1, 22.1-271.4, 32.1-46, 54.1-2952; 10 U.S.C. § 2031

VSBA Cross Ref.: JEG, LBD

HOME INSTRUCTION

PURPOSE: To provide guidance for the implementation of Policy 2110 (Home Instruction)

Placement or Awarding of Credit for Children Returning to School from Home Instruction

A child returning to a division school from home instruction shall be placed or awarded credit based on the following:

- For enrollment in grades K-8, the child shall be placed at the appropriate grade level as determined by the school administrators. The child may be required to take examinations in order to determine the appropriate grade level.
- For enrollment or credit in grades 9-12, a child shall be required to take examinations in each course for which they wish to receive credit. In order for credit to be awarded, the child shall take and pass a final examination which was required of students enrolled in the same course offered at the division high school. Credit shall not be granted unless the child has been home instructed the entire school year. A maximum of 11 credits earned by home instruction can be applied toward the requirements for a division diploma. A grade of pass (P) shall be granted for credits earned by home instruction and any such credits shall not be included in determining the grade point average of a student.

06/24/08 Adopted

06/10/13 Reviewed

12/12/13 Readopted

05/22/18 Amended

11/14/23 Amended by Superintendent with Input by School Board

Legal Refs.: Code of Virginia, 1950, as amended, § 22.1-254.1

VSBA Cross Ref.: LBD

ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

Definition

“Course” for the purpose of this policy means mathematics, science, English, history, social science, career and technical education (which includes Junior Reserve Officers’ Training Corp [JROTC]), fine arts, world language, or health and physical education.

Generally

The parents or guardians of students attending private school or being home instructed pursuant to Va. Code § 22.1-254.1 who wish to enroll their students on a part-time basis in the school division for participation in academic and/or extracurricular/club activities shall, along with the students, comply with this policy.

Admission

The parents or guardians shall identify their children as private school or home instructed students who desire part-time enrollment in academic courses of study. Students admitted under this policy are designated as part-time students. At the time of applying for admission, students shall designate the course(s) in which they wish to enroll.

Enrollment

Students enrolling in courses under this policy must satisfy the legal requirements for school enrollment as well as the prerequisite criteria of the course. In addition, space must be available. (**Exception:** As set forth below, students receiving home instructed students have a federal right to enroll in JROTC). If part-time enrollment causes total enrollment in a class or grade level to exceed the maximum allowed by state or board policy or division regulations (e.g. resulting in the need to employ another teacher) enrollment will be denied.

Students desiring part-time enrollment may request to take courses at the school located within their attendance zone. Transfer options are not available to students enrolling in courses pursuant to this policy. At the elementary level, only electives courses (i.e., art, music, physical education, technology, and library) are available for part-time enrollment.

In order to be considered for enrollment, parents or guardians must notify in writing, not less than 30 days prior to the start of any course, the principal of the school in which course enrollment is sought. The parent or guardian shall provide to the principal documentation of the student’s home instruction or private school student status.

For all grade levels, a maximum of two courses (i.e., two high school credits) may be taken per academic year, and grades shall be assigned for all course work undertaken. Participation in interscholastic sports or activities or school-sponsored clubs and activities shall not be permitted. At the high school level, coursework shall be taken on a credit basis.

A maximum of two credits shall be awarded in any single academic year to a student taking courses pursuant to this policy. (There are certain year-long courses that count as two credits. Such courses shall count as two courses for purposes of this policy).

Once enrolled, the student shall comply with behavioral, disciplinary, attendance and other rules applicable to all students, including rules governing the use of the division’s computer systems.

ADMISSION OF NONPUBLIC STUDENTS FOR PART-TIME ENROLLMENT

If a student fails to comply, the school may withhold credit and/or terminate the student's participation in addition to taking any disciplinary action that would be taken against a full-time student for similar conduct pursuant to the *Code of Student Conduct* as well as applicable state and federal laws.

Junior Reserve Officer Training Corps (JROTC)

Pursuant to federal law (10 USC §2031), home instructed students residing in Stafford County and who are otherwise eligible for membership in a JROTC unit maintained by the division but for their lack of enrollment in the division are permitted to be members of the unit and to take the course. Such students are eligible to participate in the JROTC program located at the high school in their attendance zone; space availability is not a consideration.

Average Daily Membership

Pursuant to state law, part-time students taking courses pursuant to this policy shall be counted in average daily membership (ADM) on a pro rata basis as provided in the state appropriation act. However, no such student shall be counted as more than one-half a student for purposes of such pro rata calculation.

Transportation

The parents or guardians of the children for whom part-time admission is sought are responsible for the transportation of the child to and from school, including any expenses incident to such admission.

Academic Credit

Class ranking and grade-point-average are not computed for part-time students.

11/14/23 Adopted by School Board

Legal Refs.: 10 U.S.C. § 2031. Code of Virginia, as amended, §§ 22.1-78, 22.1-254.1, 22.1-253.13:2.

1973-74 Ops. Va. Atty. Gen. 305.

VSBA Cross Refs.: JECB

§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; (ii) is a teacher of qualifications prescribed by the Board; (iii) provides the child with a program of study or curriculum, which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment that the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress or (b) a report card or transcript from an institution of higher education, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year that indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child that comply with § 22.1-254. The requirements of this subsection shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § [22.1-254](#).

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall make Advanced Placement (AP), Preliminary SAT/National Merit Scholarship Qualifying Test (PSAT/NMSQT), and PreACT examinations available to students receiving home instruction pursuant to this section. School boards shall adopt written policies that specify the date by which such students shall register to participate in such examinations. School boards shall notify such students and their parents of such registration deadline and the availability of financial assistance to low-income and needy students to take such examinations.

G. No division superintendent or local school board shall disclose to the Department or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § [22.1-254](#). However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent. Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of the number of students in the school division receiving home instruction as required by subsection B.

1984, c. 436; 1986, c. 215; 1991, c. 306; 1992, c. 131; 1993, c. 992; 1994, c. [854](#); 1998, c. [435](#); 1999, cc. [488](#), [552](#); 2005, c. [377](#); 2006, cc. [562](#), [567](#), [911](#), [932](#); 2008, cc. [364](#), [553](#); 2012, cc. [547](#), [587](#); 2015, cc. [567](#), [590](#), [592](#); 2016, c. [640](#); 2017, cc. [302](#), [334](#); 2018, c. [516](#); 2022, c. [355](#).